

Misbranding of the product was alleged in the libel for the reason that the weights of the cheeses were not plainly and correctly stated on the outside of the boxes, in that said cheeses were short in weight in the entire lot as to the 68 boxes of cheese in the amount of 87 pounds, and as to the 95 boxes of cheese in the amount of 106½ pounds, particularly described in this, that the average shortage on each of the 68 boxes was 5.7 per cent, and on each of the 95 boxes was 5 per cent, of the marked weight; that is to say, that the marked weight of said 68 boxes was 1,515 pounds and of the 95 boxes was 2,106 pounds, and the actual weight of the 68 boxes was 1,428 pounds and of the 95 boxes was 1,999.75 pounds.

On December 4, 1912, the said Winter-Loeb Grocery Co., claimant, having admitted the allegations in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2982. Adulteration of gum orange shellac. U. S. v. Charles B. Lyon and Heber W. Lyon. Pleas of guilty. Fine, \$10. (F. & D. No. 4835. I. S. No. 14134-c.)

On June 4, 1913, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Charles B. Lyon and Heber W. Lyon, doing business under the firm name and style of C. B. Lyon & Bro., St. Paul, Minn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on November 12, 1910, from the State of Minnesota into the State of Washington, of a quantity of gum orange shellac which was adulterated. The product was invoiced as "Gum Orange Shellac."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed arsenic (as As_2O_3), 0.19 per cent. Adulteration of the product was alleged in the information for the reason that it contained an added poisonous ingredient, to wit, arsenic, which might render said product injurious to health.

On June 4, 1913, defendants entered pleas of guilty and the court imposed fines of \$5 upon each of them.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2983. Adulteration and misbranding of vino vermouth. U. S. v. Pasquale Gargiulo (P. Gargiulo & Co.). Plea of guilty. Fine, \$75. (F. & D. No. 4840. I. S. No. 3181-d.)

On June 11, 1913, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Pasquale Gargiulo, doing business under the name and style of P. Gargiulo & Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on February 28, 1912, from the State of New York into the State of Massachusetts, of a quantity of vino vermouth, which was adulterated and misbranded. The product was labeled partly in Italian and partly in English, and translation of the Italian portions of the label, with the portions in English, was as follows: "Vino Vermouth, Martini Sons, Prepared for Export, First Quality, P. Gargiulo & Co., Sole Agents, U. S., Canada, Mexico, Serial No. 10407." The label also bore a picture of the Italian flag.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Specific gravity 15.6° C.....	1. 0429
Alcohol (per cent).....	20. 53
Glycerin (grams per 100 cc).....	0. 070

Extract (calculated) (grams per 100 cc).....	17.46
Total acid as tartaric (grams per 100 cc).....	0.306
Sucrose (per cent).....	0.65
Polarization (°V.):	
Direct, 20° C.....	—26.58
Invert, 20° C.....	—29.90
Invert, 87° C.....	— 5.90
Ash (grams per 100 cc).....	0.17
Soluble ash (grams per 100 cc).....	0.051
Insoluble ash (grams per 100 cc).....	0.12
Alkalinity of soluble ash (cc N/10 HCl per 100 cc).....	7.28
Alkalinity of insoluble ash (cc N/10 HCl per 100 cc).....	8.10
Potassium sulphate (grams per 100 cc).....	0.045
Color: No coal-tar dye.	
Oil of wormwood: None found.	
Total tartaric acid (grams per 100 cc).....	0.081

The sample is represented to be a wine vermouth, when, as a matter of fact, it contains practically no wine, but a dilute solution of alcohol has been substituted in part therefor.

Adulteration of the product was alleged in the information for the reason that there was substituted in part for the genuine article, vino vermouth, another article, to wit, dilute alcohol. Misbranding was alleged for the reason that the label of the product bore statements, designs, and devices regarding the article and the ingredients and substances contained therein which were false and misleading in that they would indicate that the article was a foreign product, to wit, a product of Italy, when it was not so, but was a product of the United States, and in that it purported to be a foreign product, to wit, a product of Italy, when it was not so, but was a product of the United States. Misbranding was alleged for the further reason that the product was branded and labeled, as aforesaid, so as to deceive and mislead the purchaser thereof, in that said label would indicate that the article was a true vino vermouth, whereas, in truth and in fact, it was not a vino vermouth, but was a product containing practically no wine but a dilute solution of alcohol substituted therefor.

On November 5, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$75.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2984. Adulteration and misbranding of tomato paste. Adulteration and misbranding of peeled tomatoes. U. S. v. 50 Cases Peeled Tomatoes No. 3 Cans; U. S. v. 50 Cases Peeled Tomatoes No. 2 Cans; U. S. v. 50 Cases Tomato Paste. Consent decree of condemnation, forfeiture, and destruction as to the tomato paste. Order of court releasing the peeled tomatoes on bond. (F. & D. No. 4847. S. No. 1596.)

On November 29, 1912, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 50 cases of tomato paste, 50 cases No. 2 cans peeled tomatoes, and 50 cases No. 3 cans peeled tomatoes, remaining unsold in the original unbroken packages and in possession of Sutherland & McMilland, Pittston, Pa., alleging that the product had been shipped on or about November 7, 1912, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The tomato paste was labeled: "Salsi Di Pomidori—This product contains absolutely no preservatives of any kind. Tomato sauce. Cipolla Brand. Packed in Sanitary